

**REMARKS**

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed September 14, 2006 tentatively rejected claims 1-4, 9-20, 22, 23 and 28-30. This is a full and timely response to that outstanding Office Action. Claims 1-4, 9-20, 22, 23 and 28-30 remain pending.

**I. Present Status of Patent Application**

Claims 1-4, 9-20, 22, 23 and 28-30 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-4, 9-20, 22, 23 and 28-30 are rejected under 35 U.S.C. 102 (b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). Claims 2, 10, 12, 15, and 19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Chaney* (U.S. Patent No. 6,035,037) in view of *Hurst, Jr.* (U.S. Patent No. 6,985,188). These rejections are respectfully traversed.

**II. Rejections Under 35 U.S.C. §112**

The Office Action rejects claims 1-4, 9-20, 22, 23 and 28-30 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Applicant respectfully traverses the rejection to claims 1-4, 9-20, 22, 23 and 28-30. Applicant respectfully reasserts that “assigning to the source device of the at least one packetized data stream, a first unique designator” is supported by a non-limiting embodiment of the specification on page 5, lines 20-22, which recites: “The present

invention assigns a unique designator or address to each tuner to be used in identifying the source of the packetized data.” Additionally, “The multiplexer 226 multiplexes together select portions of the separate signals it receives from each tuner and generates a unique designator signal indicating the originating tuner for each portion of the multiplexed signal.” See *Specification*, page 5, lines 29-31. As the cited claim language is clearly supported in the specification, Applicant respectfully requests that the rejection of claims 1-4, 9-20, 22, 23 and 28-30 under U.S.C. §112 be withdrawn.

### III. **Rejections Under 35 U.S.C. §102(b)**

Applicant respectfully submits that the rejections of the claims under sections 102 and 103 include some inconsistencies. For instance, claims 2, 10, 12, 15, and 19 are included in the rejection under 35 U.S.C. 102 as anticipated by *Chaney*. However, in the rejection of those same claims under 35 U.S.C. 103 as unpatentable over *Chaney* in view of *Hurst*, the Office Action expressly states that an element claimed in claims 2, 10, 12, 15, and 19, namely, the format of the packetized data stream, is not expressly disclosed in *Chaney*. For at least this reason, in order for Applicant to properly understand the basis of the rejection, a new corrected Office Action should be entered if one is deemed necessary.

A. Claims 1-4, 22-23 and 30

The Office Action rejects claims 1-4, 22-23 and 30 under 35 U.S.C. §102(b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 1** recites:

1. In a system with a plurality of packetized data streams, a method of designating a source of at least one packetized data stream within a multiplexed signal including at least a portion of the at least one packetized data stream, the method comprising the steps of:

***assigning to the source device of the at least one packetized data stream, a first unique designator;***

assigning to the source program of the at least one packetized data stream, a program identification number;

multiplexing at least the portion of the at least one packetized data stream with at least a portion of a second packetized data stream to create the multiplexed signal; and

transmitting the first unique designator in conjunction with the multiplexed signal, wherein the first unique designator indicates the source device of the at least one packetized data stream.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. See, e.g., *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Chaney* does not disclose, teach, or suggest at least **assigning to the source device of the at least one packetized data stream, a first unique designator**. Support for this claim language can be found in a non-limiting embodiment of the specification on page 5, lines 20-22. Even if, arguendo, *Chaney* discloses tuning a tuner between multiple transponders, this does not disclose assigning a unique designator to a source device since multiple transponders transmitting at the same

frequency would not be separately identifiable based on frequency. Additionally, the delineation of which key to use for descrambling, as allegedly disclosed in *Chaney*, only determines the encryption method used. It does not disclose the assignment of a unique designator to a source device of the packetized data stream. Therefore, for at least these reasons, *Chaney* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-4, 22-23, and 30 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-4, 22-23, and 30 contain all the steps/features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-4, 22-23, and 30 are patentable over *Chaney*, the rejection to claims 2-4, 22-23, and 30 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-4, 22-23, and 30 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence, there are other reasons why dependent claims 2-4, 22-23, and 30 are allowable.

B. Claims 9 and 10

The Office Action rejects claims 9 and 10 under 35 U.S.C. §102(b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). For the at least reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 9** recites:

9. In a host terminal, a method of multiplexing together packets from at least two packetized data streams to enable decryption of the packets by an external conditional access module, the method comprising the steps of:

***assigning to each of the source devices originating the at least two packetized data streams, associated unique designators;***

assigning to each source program originating the at least two packetized data streams, associated program identification numbers;

multiplexing the packets forming portions of the at least two packetized data streams into a signal;

creating an association for each packet in the signal with the unique designator of the originating packetized data stream from which each packet originated;

transmitting the signal and the associations of the packets to the external conditional access module; and

decrypting, in the external conditional access module, the packets in the signal based on the associated unique designators.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 9 is allowable for at least the reason that *Chaney* does not disclose, teach, or suggest at least **assigning to each of the source devices originating the at least two packetized data streams, associated unique designators**. Support for this claim language can be found in a non-limiting embodiment of the specification on page 5, lines 20-22. Even if, arguendo, *Chaney* discloses tuning a tuner between multiple transponders, this does not disclose assigning a unique designator to a source device since multiple transponders transmitting at the

same frequency would not be separately identifiable based on frequency. Additionally, the delineation of which key to use for descrambling, as allegedly disclosed in *Chaney*, only determines the encryption method used. It does not disclose the assignment of a unique designator to a source device of the packetized data stream. Therefore, for at least these reasons, *Chaney* does not anticipate independent claim 9, and the rejection should be withdrawn.

Because independent claim 9 is allowable over the cited art of record, dependent claim 10 (which depends from independent claim 9) is allowable as a matter of law for at least the reason that dependent claim 10 contains all the steps/features of independent claim 9. Therefore, since dependent claim 10 is patentable over *Chaney* the rejection to claim 10 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 9, dependent claim 10 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited art of record. Hence, there are other reasons why dependent claim 10 is allowable.

C. Claims 11-13

The Office Action rejects claims 11-13 under 35 U.S.C. §102(b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 11** recites:

11. In a system with a plurality of Moving Picture Experts Group type 2 (MPEG-2) standard transport streams and a host terminal, a method of designating to an external conditional access module a source of at least one packet of a first MPEG-2 transport stream with a multiplexed signal including the at least one packet of the first MPEG-2 transport stream, the method comprising the steps of:

***assigning to the source device of the first MPEG-2 transport stream, a unique designator;***

assigning to the source program of the first MPEG-2 transport stream, a program identification number;

creating a transport stream source indicator signal that includes the unique designator associated with the at least one packet of the first MPEG-2 transport stream;

multiplexing the at least one packet of the first MPEG-2 transport stream with packets from at least a portion of a second MPEG-2 transport stream to create the multiplexed signal; and

transmitting to the external conditional access module the transport stream source indicator signal in conjunction with the multiplexed signal, wherein transmission of the transport stream source indicator signal, by the unique designator, indicates the source device of the at least one packet as the source device of the first MPEG-2 transport stream.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 11 is allowable for at least the reason that *Chaney* does not disclose, teach, or suggest at least **assigning to the source device of the first MPEG-2 transport stream, a unique designator**. Support for this claim language can be found in a non-limiting embodiment of the specification on page 5, lines 20-22. Even if, *arguendo*, *Chaney* discloses tuning a tuner between multiple transponders, this does not disclose assigning a unique designator to a source device since multiple transponders transmitting at the same frequency would not be separately identifiable based on frequency. Additionally, the delineation of which key to use for

descrambling, as allegedly disclosed in *Chaney*, only determines the encryption method used. It does not disclose the assignment of a unique designator to a source device of the packetized data stream. Therefore, for at least these reasons, *Chaney* does not anticipate independent claim 11, and the rejection should be withdrawn.

Because independent claim 11 is allowable over the cited art of record, dependent claims 12 and 13 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that dependent claims 12 and 13 contain all the steps/features of independent claim 11. Therefore, since dependent claims 12 and 13 are patentable over *Chaney*, the rejection to claims 12 and 13 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claims 12 and 13 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence, there are other reasons why dependent claims 12 and 13 are allowable.

D. Claims 14-17

The Office Action rejects claims 14-17 under 35 U.S.C. §102(b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). For at least the reasons set forth below, Applicant respectfully traverses the rejection.



**Independent claim 14** recites:

14. An external conditional access module comprising:
- a host terminal interface configured to receive from a host terminal, an incoming multiplexed signal comprising at least one packetized data stream that includes
    - a unique source address that indicates a source device of a data packet inside the at least one packetized data stream***; and
    - a program identification number that indicates a source program of a data packet inside the at least one packetized data stream;
  - a de-multiplexer configured for de-multiplexing the incoming multiplexed signal into data packets associated with the at least one packetized data stream based on the unique source address associated with each data packet;
  - a controller configured for determining if decryption is allowed for the data packets associated with the least one packetized data stream and for controlling decryption parameters; and
  - a decryptor configured for decrypting, if decryption is allowed, the data packets associated with the at least one packetized data stream using decryption parameters for the at least one packetized data stream.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Chaney* does not disclose, teach, or suggest at least **a unique source address that indicates a source device of a data packet inside the at least one packetized data stream**. Support for this claim language can be found in a non-limiting embodiment of the specification on page 5, lines 20-22. Even if, *arguendo*, *Chaney* discloses tuning a tuner between multiple transponders, this does not disclose assigning a unique designator to a source device since multiple transponders transmitting at the same

frequency would not be separately identifiable based on frequency. Additionally, the delineation of which key to use for descrambling, as allegedly disclosed in *Chaney*, only determines the encryption method used. It does not disclose the assignment of a unique designator to a source device of the packetized data stream. Therefore, for at least these reasons, *Chaney* does not anticipate independent claim 14, and the rejection should be withdrawn.

Because independent claim 14 is allowable over the cited art of record, dependent claims 15-17 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that dependent claims 15-17 contain all the steps/features of independent claim 14. Therefore, since dependent claims 15-17 are patentable over *Chaney* the rejection to claims 15-17 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 14, dependent claims 15-17 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence, there are other reasons why dependent claims 15-17 are allowable.

E. Claims 18-20

The Office Action rejects claims 18-20 under 35 U.S.C. §102(b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 18** recites:

18. A host terminal that provides a multiplexed signal to an external conditional access module, wherein the multiplexed signal includes data packets from at least two packetized data streams, the host terminal comprising:

at least two tuners, each tuner for receiving one of the at least two packetized data streams; and

a multiplexer for combining data packets from the at least two packetized data streams into the multiplexed signal, for assigning **a unique source device address that indicates which tuner received the packetized data stream associated with the data packets**, for assigning to the source program of at least one packetized data stream, a program identification number; for transmitting the multiplexed signal to the external conditional access module, and for communicating the unique source address associated with each data packet to the external conditional access module.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 18 is allowable for at least the reason that *Chaney* does not disclose, teach, or suggest at least **a unique source device address that indicates which tuner received the packetized data stream associated with the data packets**. Support for this claim language can be found in a non-limiting embodiment of the specification on page 5, lines 20-22. Even if, *arguendo*, *Chaney* discloses tuning a tuner between multiple transponders, this does not disclose assigning a unique designator to a source device since multiple transponders transmitting at the same frequency would not be separately identifiable based on frequency. Additionally, the delineation of which key to use for descrambling, as allegedly disclosed in *Chaney*, only determines the encryption method used. It does not disclose the assignment of a unique designator to a source device of the packetized data stream. Therefore, for at

least these reasons, *Chaney* does not anticipate independent claim 18, and the rejection should be withdrawn.

Because independent claim 18 is allowable over the cited art of record, dependent claims 19 and 20 (which depend from independent claim 18) are allowable as a matter of law for at least the reason that dependent claims 19 and 20 contain all the steps/features of independent claim 18. Therefore, since dependent claims 19 and 20 are patentable over *Chaney* the rejection to claims 19 and 20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 18, dependent claims 19 and 20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence, there are other reasons why dependent claims 19 and 20 are allowable.

F. Claims 28 and 29

The Office Action rejects claims 28 and 29 under 35 U.S.C. §102(b) as allegedly being anticipated by *Chaney* (U.S. Patent No. 6,035,037). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 28** recites:

28. A point-of-deployment (POD) module comprising:
- a host terminal interface configured to receive from a host terminal, a multiplexed signal comprising a first encrypted signal together with a first transport stream source indicator signal (TSSIS) and a program identification number;
  - a demultiplexer configured to use the first TSSIS to identify the first encrypted signal in the multiplexed signal;
  - a controller configured to generate a first decryption instruction upon receiving authorization through a first authorization grant signal; and
  - a first decryptor configured to receive from the demultiplexer, the first encrypted signal, and decrypt the first encrypted signal conditional to receiving the first decryption instruction;

***wherein the first TSSIS indicates the source device for the first transport stream.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 28 is allowable for at least the reason that *Chaney* does not disclose, teach, or suggest at least **wherein the first TSSIS indicates the source device for the first transport stream**. Support for this claim language can be found in a non-limiting embodiment of the specification on page 5, lines 20-22. Even if, *arguendo*, *Chaney* discloses tuning a tuner between multiple transponders, this does not disclose assigning a unique designator to a source device since multiple transponders transmitting at the same frequency would not be separately identifiable based on frequency. Additionally, the delineation of which key to use for descrambling, as allegedly disclosed in *Chaney*, only determines the encryption method used. It does not disclose the assignment of a unique designator to a source device of the packetized

data stream. Therefore, for at least these reasons, *Chaney* does not anticipate independent claim 28, and the rejection should be withdrawn.

Because independent claim 28 is allowable over the cited art of record, dependent claim 29 (which depends from independent claim 28) is allowable as a matter of law for at least the reason that dependent claim 29 contains all the steps/features of independent claim 28. Therefore, since dependent claim 29 is patentable over *Chaney* the rejection to claim 29 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 28, dependent claim 29 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited art of record. Hence, there are other reasons why dependent claim 29 is allowable.

#### **IV. Rejections Under 35 U.S.C. §103(a)**

##### **A. Claim 2**

The Office Action rejects claim 2 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Chaney* (U.S. Patent No. 6,035,037) in view of *Hurst, Jr.* (U.S. Patent No. 6,985,188). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 1 is allowable over the cited references of record, dependent claim 2 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 2 contains all the steps/features of independent claim 1. Therefore, the rejection to claim 2 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claim 2 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claim 2 is allowable.

B. Claim 10

The Office Action rejects claim 10 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Chaney* (U.S. Patent No. 6,035,037) in view of *Hurst, Jr.* (U.S. Patent No. 6,985,188). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 9 is allowable over the cited references of record, dependent claim 10 (which depends from independent claim 9) is allowable as a matter of law for at least the reason that dependent claim 10 contains all the steps/features of independent claim 9. Therefore, the rejection to claim 10 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 9, dependent claim 10 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claim 10 is allowable.

C. Claim 12

The Office Action rejects claim 12 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Chaney* (U.S. Patent No. 6,035,037) in view of *Hurst, Jr.* (U.S. Patent No. 6,985,188). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 11 is allowable over the cited references of record, dependent claim 12 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that dependent claim 12 contains all the steps/features of independent claim 11. Therefore, the rejection to claim 12 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claim 12 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claim 12 is allowable.



D. Claim 15

The Office Action rejects claim 15 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Chaney* (U.S. Patent No. 6,035,037) in view of *Hurst, Jr.* (U.S. Patent No. 6,985,188). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 14 is allowable over the cited references of record, dependent claim 15 (which depends from independent claim 14) is allowable as a matter of law for at least the reason that dependent claim 15 contains all the steps/features of independent claim 14. Therefore, the rejection to claim 15 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 14, dependent claim 15 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claim 15 is allowable.

E. Claim 19

The Office Action rejects claim 19 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Chaney* (U.S. Patent No. 6,035,037) in view of *Hurst, Jr.* (U.S. Patent No. 6,985,188). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 18 is allowable over the cited references of record, dependent claim 19 (which depends from independent claim 18) is allowable as a matter of law for at least the reason that dependent claim 19 contains all the steps/features of independent claim 18. Therefore, the rejection to claim 19 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 18, dependent claim 19 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claim 19 is allowable.

#### **V. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

**CONCLUSION**

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-4, 9-20, 22-23, and 28-30 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

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